
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-06-LA-252
David Pace Jr.)	
d/b/a 4:13 Electronics)	Citation No.: C20073290012
)	
Nacogdoches, TX)	

CITATION

Released: February 14, 2007

By the District Director, Los Angeles District Office, Western Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"),¹ to David Pace Jr., d/b/a 4:13 Electronics for violation of Section 302(b) of the Act,² and Sections 2.803(a)(1), 2.815(b), 2.815(c) of the Commission's Rules.³

2. An investigation by the Enforcement Bureau's Los Angeles District Office revealed that on December 7, 2006, David Pace Jr., d/b/a 4:13 Electronic, offered for sale non-certified Citizens Band ("CB") transceivers, namely, Galaxy Model DX 99V and external power amplifiers, namely, Texas Star 250 HDV, 400V and 667V, and others. According to the Commission's records, these devices have not received an FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act provides: "No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules provides that "...no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled..." David Pace Jr., d/b/a 4:13 Electronics' offer for sale of these devices violates both sections.

4. Dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules.⁴

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803(a)(1), 2.815(b), 2.815(c).

⁴ Section 95.655(a) of the rules states: "[CB] Transmitters with frequency capability for the Amateur Radio Services....will not be certificated." *See also Amendment of the Part 95, Subpart E, Technical Regulations in the Personal Radio Services Rules*, 3 FCC Rcd 5032 (1988).

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5. In addition to the marketing of the non-certified transceivers addressed above, David Pace Jr., d/b/a 4:13 Electronics is warned that Section 302(b) and Section 2.815(c)⁵ of the Commission's Rules requires type acceptance or certification of external radio frequency power amplifiers (or amplifier kits) capable of operation on any frequency below 144 MHz. Furthermore, Section 2.815(b)⁶ of the Commission's Rules prohibits the marketing of external radio frequency power amplifiers (or amplifier kits) capable of operating on any frequency between 24 and 35 MHz.

6. Violations of the Communications Act or of the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation, seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.

7. David Pace Jr., d/b/a 4:13 Electronics may request a personal interview at the closest FCC location to its place of business, which is Federal Communications Commission, Dallas District Office, 9330 LBJ Freeway, Room 1170, Dallas, TX 75243-3429.⁷ David Pace Jr., d/b/a 4:13 Electronics may contact this office by telephone at XXX XXX-XXXX. David Pace Jr., d/b/a 4:13 Electronics may also submit a written statement to the address indicated above, within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. When corresponding with the Commission, case number EB-06-LA-252 should be referenced.

8. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁸ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁹

9. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to David Pace Jr., d/b/a 4:13 Electronics., at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Catherine Deaton
District Director
Los Angeles District Office
Western Region
Enforcement Bureau

⁵ 47 C.F.R. § 2.815(c).

⁶ 47 C.F.R. § 2.815(b).

⁷ 47 U.S.C. § 503(b)(5).

⁸ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁹ See 18 U.S.C. § 1001 *et seq.*